

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

-against-

10-CV-1534

ANDREW CUOMO, Governor of the State
of New York; SEAN M. BYRE, Acting
Commissioner; ERIC T. SCHNEIDERMAN,
New York State Attorney General,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION & ORDER

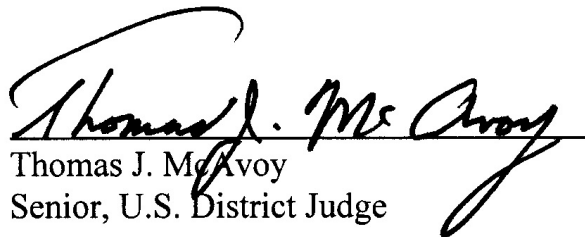
This matter, brought *pro se* pursuant to 42 U.S.C. § 1983, was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. No objections to the February 22, 2013, Report-Recommendation have been raised.

In response to Defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12, Plaintiff cross-moved to amend his original Complaint. Magistrate Judge Hummel granted Plaintiff's motion to amend his Complaint and allowed Plaintiff ten days from the Order to file the Amended Complaint. Accordingly, Magistrate Judge Hummel recommended that, upon the filing of Plaintiff's signed Amended Complaint, Defendant's motion to dismiss be denied as moot. However, Plaintiff has since failed to file his signed Amended Complaint with the Court. It is therefore **ORDERED** that

Plaintiff shall have fourteen days to file his signed Amended Complaint from the date of this Order. In the event that Plaintiff fails to file an Amended Complaint within fourteen days, this matter shall be REMANDED to the Magistrate Judge, without further order of the Court, to consider Defendant's motion to dismiss in conjunction with Plaintiff's original complaint.

IT IS SO ORDERED.

Dated: March 22, 2013



Thomas J. McAvoy
Senior, U.S. District Judge